Remarks

The Office Action mailed July 28, 2004 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-9, 11 and 13-26 are pending in this application. Claims 1-9, 11 and 13-26 stand rejected. Claims 10 and 12 have been cancelled.

The rejection of Claims 1-9, 11 and 13-26 under 35 U.S.C. § 112, second paragraph, is respectfully traversed.

Applicants respectfully submit that Claims 1-9, 11 and 13-26 satisfy section 112, second paragraph. More specifically, Applicants respectfully submit that Claims 1-9, 11 and 13-26 are definite and particularly point out and distinctly claim the subject matter of the invention. However, in an effort to expedite the prosecution of this patent application, independent Claims 1 and 11 have been amended to address the rejections raised herein. Claims 2-9 and 21-23 depend from independent Claim 1. Claims 13-20 and 24-26 depend from independent Claim 11. Accordingly, Applicants respectfully request that the rejection of Claims 1-9, 11 and 13-26 under Section 112, second paragraph, be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 1-9, 11 and 13-26 under 35 U.S.C. § 112, second paragraph, be withdrawn.

The rejection of Claims 1-9, 11, 13-21, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. (U.S. 2002/0072951) ("Lee") in view of Lazarus et al. (U.S. Patent No. 6,430,539) ("Lazarus") in further view of Thearling (U.S. Patent No. 6, 240,411) is respectfully traversed.

Applicants respectfully submit that none of Lee, Lazarus, or Thearling, considered alone or in combination, describe or suggest the claimed invention. As discussed below, none of Lee, Lazarus, or Thearling, considered alone or in combination, describe or suggest a method of analyzing the success of a marketing campaign that includes using a targeting engine to

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determine a sequential order for combining models, and combining the models embedded within the targeting engine in the determined sequential order to define an initial customer group that includes a list of customers satisfying each of the combined models and rank ordered by projected profitability wherein projected profitability is based on a probable response by a customer to the marketing campaign, attrition of the customer, and risk associated with the customer.

Moreover, none of Lee, Lazarus, or Thearling, considered alone or in combination, describe or suggest the initial customer group list having a high profit end, a moderate profit section, and a low profit end, wherein the high profit end includes customers having a highest projected profitability, the low profit end includes customers having a lowest projected profitability, and the moderate profit section includes a profitability baseline, wherein the determined sequential order maximizes a number of customers included between the high profit end and the profitability baseline, and wherein a target group includes the customers included between the high profit end of the list and the profitability baseline.

Notably, the Office Action acknowledges at page 4 that Lee does not disclose "combining the models embedded within the targeting engine to define an initial customer group including a list of customers satisfying each of the combined models and rank ordered by projected profitability wherein projected profitability is based on at least one of a probable response by a customer to the marketing campaign, attrition of the customer, and risk associated with the customer, the list includes a high profit end, a moderate profit section, and a low profit end, the high profit end including customers having a highest projected profitability, the low profit end including customers having a lowest projected profitability, and the moderate profit section including a profitability baseline, wherein the determined sequential order maximizes a number of customers included between the high profit end and the profitability baseline, the target group includes the customers included between the high profit end of the list and the profitability baseline, the profitability baseline defines marginal returns for a customer equal to zero."

Moreover, although the Office Action asserts at page 5 that Thearling discloses "the campaign manager automatically selecting the order of the models for analysis (see figure 11 and column 13, lines 38-41)", as explained below, Thearling does not describe or suggest determining a sequential order for combining the models, and combining the models in the determined sequential order to define an initial customer group that includes a list of customers satisfying each of the combined models, wherein the determined sequential order maximizes a number of customers included between a high profit end and a profitability baseline.

Furthermore, the Office Action appears to suggest at page 4 that Lazarus discloses "using the targeting engine to determine a sequential order for combining the models, and combining the models embedded within the targeting engine in the determined sequential order to define an initial customer group..." by disclosing "consumer accounts ranked by predicted spending, based upon financial profiling (i.e., marketing campaigns), wherein the ranked accounts are divided into bins." However, as explained below, although Lazarus does discuss consumer accounts ranked by predicted spending, Lazarus does not describe, suggest or even mention determining a sequential order for combining models, and combining the models in the determined sequential order to define an initial customer group that includes a list of customers satisfying each of the combined models, wherein the determined sequential order maximizes a number of customers included between a high profit end and a profitability baseline.

Lee describes a method of a program product for collecting, analyzing, and presenting data by extracting input data from an input database. The input data is then transformed into a suitable schema for subsequent analysis, followed by subsequent analysis of the extracted and transformed data, and presentation of the analyzed, transformed, extracted data.

Lazarus describes a method of predicting financial behavior of consumers. The method includes the creation of data-driven grouping of merchants, based essentially on the actual spending patterns of a group of consumers. Spending data of each consumer is obtained, which describes the spending patterns of the consumers in a time-related fashion. From the spending data, merchants are grouped into merchant segments. Each consumer is also given a profile that includes various demographic data, and summary data on spending habits. Given the merchant

segments, the present invention then creates a predictive model of future spending in each merchant segment, based on transaction statistics of historical spending in the merchant segment by those consumers who have purchased from merchants in the segments, in other segments, and data on overall purchases. To predict financial behavior, the consumer profile of a consumer is entered into the predictive models for the different merchant clusters. The result is a prediction of the amount of money that the consumer is likely to spend in each merchant cluster in a future time interval, for which no actual spending data may yet be available.

Thearling describes a method and apparatus for classifying a plurality of records in a database (10) that includes providing a first model (16) for ascertaining a first characteristic of each of the records, forming a query that includes a reference to first model (16), using the reference to execute first model (16) to generate a score for the first characteristic of at least one of the plurality of records, and selecting a selected set of the records wherein each record of the selected set satisfies the selection criteria. Thearling also describes a dynamic evaluation of a database where multiple models may be included within a query (col. 13, lines 21-23). In one embodiment, a campaign manager could automatically select the order of the models for evaluation, for example, the order could be selected based on the computation time of scoring a particular model (col. 13, lines 37-43).

Claim 1 recites a method of analyzing the success of a marketing campaign by using a targeting engine, campaign results and an original campaign database, the method includes "embedding within the targeting engine a plurality of analytic models including marketing and risk models…using the targeting engine to determine a sequential order for combining the models…combining the models embedded within the targeting engine in the determined sequential order to define an initial customer group including a list of customers satisfying each of the combined models and rank ordered by projected profitability wherein projected profitability is based on a probable response by a customer to the marketing campaign, attrition of the customer, and risk associated with the customer, the list includes a high profit end, a moderate profit section, and a low profit end, the high profit end including customers having a highest projected profitability, the low profit end including customers having a lowest projected

profitability, the moderate profit section including a profitability baseline, wherein the determined sequential order maximizes a number of customers included between the high profit end and the profitability baseline, a target group includes the customers included between the high profit end of the list and the profitability baseline, the profitability baseline defines marginal returns for a customer equal to zero...deriving a list of user defined dimensions for the customers included in the target group, the user defined dimensions include marketing defined dimensions and risk defined dimensions...profiling results of the marketing campaign against the marketing defined dimensions and the risk defined dimensions...and assigning a score to the results of the marketing campaign based on the marketing defined dimensions and the risk defined dimensions."

None of Lee, Lazarus, or Thearling, considered alone or in combination, describe or suggest a method of analyzing the success of a marketing campaign that includes using a targeting engine to determine a sequential order for combining models, and combining the models embedded within the targeting engine in the determined sequential order to define an initial customer group that includes a list of customers satisfying each of the combined models and rank ordered by projected profitability wherein projected profitability is based on a probable response by a customer to the marketing campaign, attrition of the customer, and risk associated with the customer.

Moreover, none of Lee, Lazarus, or Thearling, considered alone or in combination, describe or suggest the initial customer group list having a high profit end, a moderate profit section, and a low profit end, wherein the high profit end includes customers having a highest projected profitability, the low profit end includes customers having a lowest projected profitability, and the moderate profit section includes a profitability baseline, wherein the determined sequential order maximizes a number of customers included between the high profit end and the profitability baseline, and wherein a target group includes the customers included between the high profit end of the list and the profitability baseline.

Rather, Lee describes a method for collecting, analyzing, and presenting data by extracting input data from an input database such that the input data is then transformed into a

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suitable schema for subsequent analysis, followed by subsequent analysis of the extracted and transformed data, and presentation of the analyzed, transformed, extracted data; Lazarus describes a method of predicting financial behavior of consumers that includes grouping merchants based on the actual spending patterns of a group of consumers, providing each consumer with a profile that includes various demographic data and summary data on spending habits, creating a predictive model of future spending in each merchant segment, and entering the consumer profile of a consumer into a predictive model of a merchant segment to predict the financial behavior of the consumer within that merchant segment; and Thearling describes a method and apparatus for classifying a plurality of records in a database that includes forming a query that includes a reference to a first model, and using the reference to execute the first model to generate a score for the first characteristic of at least one of the plurality of records in a database.

Applicants respectfully submit that none of Lee, Lazarus, or Thearling, considered alone or in combination, describe or suggest a method of analyzing the success of a marketing campaign that includes "using a targeting engine to determine a sequential order for combining models...combining the models...in the determined sequential order to define an initial customer group that includes a list of customers satisfying each of the combined models..., wherein the determined sequential order maximizes a number of customers included between the high profit end and the profitability baseline...."

In fact, the Office Action acknowledges at page 4 that Lee does not disclose "combining the models embedded within the targeting engine to define an initial customer group including a list of customers satisfying each of the combined models and rank ordered by projected profitability wherein projected profitability is based on at least one of a probable response by a customer to the marketing campaign, attrition of the customer, and risk associated with the customer, the list includes a high profit end, a moderate profit section, and a low profit end, the high profit end including customers having a highest projected profitability, the low profit end including customers having a lowest projected profitability, and the moderate profit section including a profitability baseline, wherein the determined sequential order maximizes a number

of customers included between the high profit end and the profitability baseline, the target group includes the customers included between the high profit end of the list and the profitability baseline, the profitability baseline defines marginal returns for a customer equal to zero."

Moreover, although the Office Action asserts at page 5 that Thearling discloses "the campaign manager automatically selecting the order of the models for analysis (see figure 11 and column 13, lines 38-41)", Thearling does not describe or suggest determining a sequential order for combining models, and combining the models in the determined sequential order to define an initial customer group that includes a list of customers satisfying each of the combined models, wherein the determined sequential order maximizes a number of customers included between a high profit end and a profitability baseline. In fact, Thearling does not even mention "a list of customers satisfying each of the combined models" nor does it mention "the determined sequential order maximizes a number of customers included between the high profit end and the profitability baseline". Rather, Thearling describes:

> At a step 110, one of the models within the query is selected for evaluation. This selection may be done randomly. In the alternative, the user could input the order of models for selection. In another embodiment, the campaign manager could automatically select the order of models. The selection could be based, for example, on the anticipated computation time for scoring an individual record. Thus, those models that require less computation time may be selected before models which require greater computation time.

In other words, Thearling merely describes evaluating (i.e., computing) each model within a query in either a random order or an order selected by a user. Thearling does not teach determining a sequential order for combining models, and combining the models in the determined sequential order to define an initial customer group that includes a list of customers satisfying each of the combined models, wherein the determined sequential order maximizes a number of customers included between a high profit end and a profitability baseline. More specifically, Thearling does not describe or teach an output from combining the models in the determined sequential order that includes a list of customers satisfying each of the combined models, wherein the determined sequential order maximizes a number of customers included between a high profit end and a profitability baseline.

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The Office Action also appears to assert at page 4 that Lazarus discloses "using the targeting engine to determine a sequential order for combining the models, and combining the models embedded within the targeting engine in the determined sequential order to define an initial customer group...". The Office Action bases this assertion on Lazarus' disclosure of "consumer accounts ranked by predicted spending, based upon financial profiling (i.e., marketing campaigns), wherein the ranked accounts are divided into bins." Lazarus describes consumer accounts ranked by predicted spending. Applicants, however, respectfully submit that Lazarus does not describe, suggest or even mention determining a sequential order for combining models, and combining the models in the determined sequential order to define an initial customer group that includes a list of customers satisfying each of the combined models, wherein the determined sequential order maximizes a number of customers included between a high profit end and a profitability baseline.

Rather, Lazarus describes a method of predicting financial behavior of consumers that includes grouping merchants into segments, providing each consumer with a profile that includes various demographic data and summary data on spending habits, and creating a predictive model of future spending for each merchant segment. The consumer profile is then entered into the predictive model of a merchant segment to predict the financial behavior of the consumer within that merchant segment. Lazarus further provides:

> For each merchant segment then, the consumer accounts are ranked by their predicted spending for the segment in the prediction window period. Once the accounts are ranked, they are divided into N (e.g. 20) equal sized bins so that bin 1 has the highest spending accounts, and bin N has the lowest ranking accounts. This identifies the accounts holders that the predictive model for the segment indicated should be are expected to spend the most in this segment.

> Then, for each bin, the average actual spending per account in this segment in the past time period, and the average predicted spending is computed. The average actual spending over all bins is also computed. This average actual spending for all accounts is the baseline spending value (in dollars), as illustrated in the last line of Table 10. This number describes the average that all account holders spent in the segment in the prediction window period.

> The lift for a bin is the average actual spending by accounts in the bin divided by the baseline spending value. If the predictive model for the segment is accurate, then those accounts in the highest ranked bins should have a lift greater than 1,

and the lift should generally be increasing, with bin 1 having the highest lift. Where this the case, as for example, in Table 10, in bin 1, this shows that those accounts in bin 1 in fact spent several times the baseline, thereby confirming the prediction that these accounts would in fact spend more than others in this segment.

In other words, Lazarus describes using a single predictive model for a particular merchant segment for predicting the financial behavior of consumers within that particular merchant segment. Lazarus does not describe, suggest or even mention determining a sequential order for combining models, and combining the models in the determined sequential order, but rather, Lazarus merely describes using a single predictive model to predict the financial behavior of consumers within a particular merchant segment. Furthermore, Lazarus does not describe, suggest or even mention combining the models in a determined sequential order to define an initial customer group that includes a list of customers satisfying each of the combined models, wherein the determined sequential order maximizes a number of customers included between a high profit end and a profitability baseline.

Accordingly, Applicants respectfully submit that none of Lee, Lazarus, or Thearling, considered alone or in combination, describe or suggest a method of analyzing the success of a marketing campaign that includes "using a targeting engine to determine a sequential order for combining models...combining the models...in the determined sequential order to define an initial customer group that includes a list of customers satisfying each of the combined models..., wherein the determined sequential order maximizes a number of customers included between the high profit end and the profitability baseline...."

In addition to the arguments set forth above, the Office Action also appears to assert at page 4 that Lazarus teaches: "...to define an initial customer group including a list of customers...rank ordered by projected profitability wherein projected profitability is based on at least one of a probable response by a customer to the marketing campaign, attrition of the customer, and risk associated with the customer, the list includes a high profit end, a moderate profit section, and a low profit end, the high profit end including customers having a highest projected profitability, the low profit end including customers having a lowest projected profitability, the moderate profit section including a profitability baseline...". The Office Action

appears to base this assertion on Lazarus' disclosure of "consumer accounts ranked by predicted spending, based upon financial profiling (i.e., marketing campaigns), wherein the ranked accounts are divided into bins...The highest ranked consumers are in one bin, whereas the lowest ranked consumers would be in bin N...The lift for the bin is the average actual spending by accounts in the bin divided by a baseline spending value...."

As stated above, Lazarus describes that for each merchant segment the consumer accounts are ranked by their predicted spending for the segment. Once the accounts are ranked, they are divided into N (e.g. 20) equal sized bins so that bin 1 has the highest spending accounts, and bin N has the lowest ranking accounts. This identifies the accounts holders that the predictive model for the segment indicated are expected to spend the most in this segment. In other words, Lazarus describes ranking consumer accounts by their predicted spending for a merchant segment. Lazarus, however, does not describe or suggest a list of customers rank ordered by projected profitability wherein projected profitability is based on a probable response by a customer to the marketing campaign, attrition of the customer, and risk associated with the customer.

Applicants submit that the "predicted spending" disclosed in Lazarus does not teach the "projected profitability" of the present invention because the "predicted spending" disclosed in Lazarus is not based on a probable response by a customer to the marketing campaign, attrition of the customer, and risk associated with the customer. Rather, for example, the "predicted spending" disclosed in Lazarus does not account for any risks associated with the customer (i.e., whether the customer will actually be able to pay). Applicants submit that merely predicting spending does not describe or teach a list of customers rank ordered by projected profitability wherein projected profitability is based on a probable response by a customer to the marketing campaign, attrition of the customer, and risk associated with the customer. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Lee in view of Lazarus and further in view of Thearling.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claim 1 be withdrawn.

Claims 2-9 and 21 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-9 and 21 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-9 and 21 likewise are patentable over Lee in view of Lazarus and further in view of Thearling.

Claim 11 recites a system for analyzing success of a marketing campaign that includes a customer database having campaign results and an original campaign database, a graphical user interface for presentation of campaign analysis data, and a plurality of analytic models including marketing and risk models embedded within a targeting engine, wherein the system is configured to "determine a sequential order for combining the models...combine the models in the determined sequential order to define an initial customer group, the initial customer group includes a list of customers satisfying each of the combined models and rank ordered by projected profitability wherein projected profitability is based on a probable response by a customer to the marketing campaign, attrition of the customer, and risk associated with the customer, the list includes a high profit end, a moderate profit section, and a low profit end, the high profit end including customers having a highest projected profitability, the low profit end including customers having a lowest projected profitability, the moderate profit section including a profitability baseline, wherein the determined sequential order maximizes a number of customers included between the high profit end and the profitability baseline, a target group includes the customers included between the high profit end of the list and the profitability baseline, the profitability baseline defines marginal returns for a customer equal to zero...derive a list of user defined dimensions including marketing defined dimensions and risk defined dimensions for generating a marketing campaign for the customers included in the target group...profile results of the marketing campaign against said marketing defined dimensions and said risk defined dimensions...and assign a score to the results of the marketing campaign based on said marketing defined dimensions and said risk defined dimensions."

None of Lee, Lazarus, or Thearling, considered alone or in combination, describe or suggest a system for analyzing success of a marketing campaign that includes a customer database, a graphical user interface for presentation of campaign analysis data, and a plurality of

analytic models including marketing and risk models embedded within a targeting engine, wherein the system is configured to determine a sequential order for combining the models, and combine the models in the determined sequential order to define an initial customer group, the initial customer group includes a list of customers satisfying each of the combined models and rank ordered by projected profitability wherein projected profitability is based on a probable response by a customer to the marketing campaign, attrition of the customer, and risk associated with the customer,

Moreover, none of Lee, Lazarus, or Thearling, considered alone or in combination, describe or suggest the initial customer group list having a high profit end, a moderate profit section, and a low profit end, wherein the high profit end includes customers having a highest projected profitability, the low profit end includes customers having a lowest projected profitability, and the moderate profit section includes a profitability baseline, wherein the determined sequential order maximizes a number of customers included between the high profit end and the profitability baseline, and wherein a target group includes the customers included between the high profit end of the list and the profitability baseline.

Rather, Lee describes a method for collecting, analyzing, and presenting data by extracting input data from an input database such that the input data is then transformed into a suitable schema for subsequent analysis, followed by subsequent analysis of the extracted and transformed data, and presentation of the analyzed, transformed, extracted data; Lazarus describes a method of predicting financial behavior of consumers that includes grouping merchants based on the actual spending patterns of a group of consumers, providing each consumer with a profile that includes various demographic data and summary data on spending habits, creating a predictive model of future spending in each merchant segment, and entering the consumer profile of a consumer into a predictive model of a merchant segment to predict the financial behavior of the consumer within that merchant segment; and Thearling describes a method and apparatus for classifying a plurality of records in a database that includes forming a query that includes a reference to a first model, and using the reference to execute the first model

to generate a score for the first characteristic of at least one of the plurality of records in a database.

None of Lee, Lazarus, or Thearling, considered alone or in combination, describe or suggest a system that is configured to "determine a sequential order for combining the models...combine the models in the determined sequential order to define an initial customer group, the initial customer group includes a list of customers satisfying each of the combined models..., wherein the determined sequential order maximizes a number of customers included between the high profit end and the profitability baseline...."

In fact, the Office Action acknowledges at page 4 that Lee does not disclose "combining the models embedded within the targeting engine to define an initial customer group including a list of customers satisfying each of the combined models and rank ordered by projected profitability wherein projected profitability is based on at least one of a probable response by a customer to the marketing campaign, attrition of the customer, and risk associated with the customer, the list includes a high profit end, a moderate profit section, and a low profit end, the high profit end including customers having a highest projected profitability, the low profit end including customers having a lowest projected profitability, and the moderate profit section including a profitability baseline, wherein the determined sequential order maximizes a number of customers included between the high profit end and the profitability baseline, the target group includes the customers included between the high profit end of the list and the profitability baseline, the profitability baseline defines marginal returns for a customer equal to zero."

Moreover, although the Office Action asserts at page 5 that Thearling discloses "the campaign manager automatically selecting the order of the models for analysis (see figure 11 and column 13, lines 38-41)", Thearling does not describe or suggest determining a sequential order for combining models, and combining the models in the determined sequential order to define an initial customer group that includes a list of customers satisfying each of the combined models, wherein the determined sequential order maximizes a number of customers included between a high profit end and a profitability baseline. In fact, Thearling does not even mention "a list of customers satisfying each of the combined models" nor does it mention "the determined

sequential order maximizes a number of customers included between the high profit end and the profitability baseline".

Rather, Thearling merely describes evaluating (i.e., computing) each model within a query in either a random order or an order selected by a user. Thearling does not teach determining a sequential order for combining models, and combining the models in the determined sequential order to define an initial customer group that includes a list of customers satisfying each of the combined models, wherein the determined sequential order maximizes a number of customers included between a high profit end and a profitability baseline.

The Office Action also appears to suggest at page 4 that Lazarus discloses "using the targeting engine to determine a sequential order for combining the models, and combining the models embedded within the targeting engine in the determined sequential order to define an initial customer group…" by disclosing "consumer accounts ranked by predicted spending, based upon financial profiling (i.e., marketing campaigns), wherein the ranked accounts are divided into bins." Applicants acknowledge that Lazarus discusses consumer accounts ranked by predicted spending. Applicants, however, respectfully submit that Lazarus does not describe, suggest or even mention determining a sequential order for combining models, and combining the models in the determined sequential order to define an initial customer group that includes a list of customers satisfying each of the combined models, wherein the determined sequential order maximizes a number of customers included between a high profit end and a profitability baseline.

Rather, Lazarus describes a method of predicting financial behavior of consumers that includes grouping merchants into segments, providing each consumer with a profile that includes various demographic data and summary data on spending habits, and creating a predictive model of future spending for each merchant segment. The consumer profile is then entered into the predictive model of a merchant segment to predict the financial behavior of the consumer within that merchant segment. For each merchant segment then, the consumer accounts are ranked by their predicted spending for the segment. Once the accounts are ranked, they are divided into N (e.g. 20) equal sized bins so that bin 1 has the highest spending accounts, and bin N has the

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lowest ranking accounts. This identifies the accounts holders that the predictive model for the segment indicated are expected to spend the most in this segment.

In other words, Lazarus describes using a single predictive model for a particular merchant segment for predicting the financial behavior of consumers within that particular merchant segment. Lazarus does not describe, suggest or even mention determining a sequential order for combining models, and combining the models in the determined sequential order, but rather, Lazarus merely describes using a single predictive model to predict the financial behavior of consumers within a particular merchant segment. Furthermore, Lazarus does not describe, suggest or even mention combining the models in a determined sequential order to define an initial customer group that includes a list of customers satisfying each of the combined models, wherein the determined sequential order maximizes a number of customers included between a high profit end and a profitability baseline.

Accordingly, Applicants respectfully submit that none of Lee, Lazarus, or Thearling, considered alone or in combination, describe or suggest a system that is configured to "determine a sequential order for combining the models...combine the models in the determined sequential order to define an initial customer group, the initial customer group includes a list of customers satisfying each of the combined models..., wherein the determined sequential order maximizes a number of customers included between the high profit end and the profitability baseline...."

In addition to the arguments set forth above, the Office Action also appears to assert at page 4 that Lazarus teaches: "...to define an initial customer group...includes a list of customers...rank ordered by projected profitability wherein projected profitability is based on a probable response by a customer to the marketing campaign, attrition of the customer, and risk associated with the customer, the list includes a high profit end, a moderate profit section, and a low profit end, the high profit end including customers having a highest projected profitability, the low profit end including customers having a lowest projected profitability, the moderate profit section including a profitability baseline...". The Office Action appears to base this assertion on Lazarus' disclosure of "consumer accounts ranked by predicted spending, based upon financial profiling (i.e., marketing campaigns), wherein the ranked accounts are divided

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into bins...The highest ranked consumers are in one bin, whereas the lowest ranked consumers would be in bin N...The lift for the bin is the average actual spending by accounts in the bin divided by a baseline spending value...."

As stated above, Lazarus describes that for each merchant segment the consumer accounts are ranked by their predicted spending for the segment. Once the accounts are ranked, they are divided into N (e.g. 20) equal sized bins so that bin 1 has the highest spending accounts, and bin N has the lowest ranking accounts. This identifies the accounts holders that the predictive model for the segment indicated should be are expected to spend the most in this segment. In other words, Lazarus describes ranking consumer accounts by their predicted spending for a merchant segment. Lazarus does not describe or suggest a list of customers rank ordered by projected profitability wherein projected profitability is based on a probable response by a customer to the marketing campaign, attrition of the customer, and risk associated with the customer.

Applicants submit that the "predicted spending" disclosed in Lazarus does not teach the "projected profitability" of the present invention because the "predicted spending" disclosed in Lazarus is not based on a probable response by a customer to the marketing campaign, attrition of the customer, and risk associated with the customer. Rather, for example, the "predicted spending" disclosed in Lazarus does not account for any risks associated with the customer (i.e., whether the customer will actually be able to pay). Applicants submit that merely predicting spending does not describe or teach a list of customers rank ordered by projected profitability wherein projected profitability is based on a probable response by a customer to the marketing campaign, attrition of the customer, and risk associated with the customer. Accordingly, Applicants respectfully submit that Claim 11 is patentable over Lee in view of Lazarus and further in view of Thearling.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claim 11 be withdrawn.

Claims 13-20 and 24 depend, directly or indirectly, from independent Claim 11. When the recitations of Claims 13-20 and 24 are considered in combination with the recitations of Claim 11, Applicants submit that dependent Claims 13-20 and 24 likewise are patentable over Lee in view of Lazarus and further in view of Thearling.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claims 1-9, 11, 13-21, and 24 be withdrawn.

The rejection of Claims 22, 23, 25, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. (U.S. 2002/0072951) ("Lee") in view of Thearling (U.S. Patent No. 6, 240,411) is respectfully traversed.

Lee and Thearling are both described above.

Claims 22 and 23 depend from independent Claim 1. Claim 1 recites a method of analyzing the success of a marketing campaign by using a targeting engine, campaign results and an original campaign database, the method includes "embedding within the targeting engine a plurality of analytic models including marketing and risk models...using the targeting engine to determine a sequential order for combining the models...combining the models embedded within the targeting engine in the determined sequential order to define an initial customer group including a list of customers satisfying each of the combined models and rank ordered by projected profitability wherein projected profitability is based on a probable response by a customer to the marketing campaign, attrition of the customer, and risk associated with the customer, the list includes a high profit end, a moderate profit section, and a low profit end, the high profit end including customers having a highest projected profitability, the low profit end including customers having a lowest projected profitability, the moderate profit section including a profitability baseline, wherein the determined sequential order maximizes a number of customers included between the high profit end and the profitability baseline, a target group includes the customers included between the high profit end of the list and the profitability baseline, the profitability baseline defines marginal returns for a customer equal to zero...deriving a list of user defined dimensions for the customers included in the target group,

the user defined dimensions include marketing defined dimensions and risk defined dimensions…profiling results of the marketing campaign against the marketing defined dimensions and the risk defined dimensions…and assigning a score to the results of the marketing campaign based on the marketing defined dimensions and the risk defined dimensions."

Neither Lee nor Thearling, considered alone or in combination, describe or suggest a method of analyzing the success of a marketing campaign that includes using a targeting engine to determine a sequential order for combining models, and combining the models embedded within the targeting engine in the determined sequential order to define an initial customer group that includes a list of customers satisfying each of the combined models and rank ordered by projected profitability wherein projected profitability is based on a probable response by a customer to the marketing campaign, attrition of the customer, and risk associated with the customer.

Moreover, neither Lee nor Thearling, considered alone or in combination, describe or suggest the initial customer group list having a high profit end, a moderate profit section, and a low profit end, wherein the high profit end includes customers having a highest projected profitability, the low profit end includes customers having a lowest projected profitability, and the moderate profit section includes a profitability baseline, wherein the determined sequential order maximizes a number of customers included between the high profit end and the profitability baseline, and wherein a target group includes the customers included between the high profit end of the list and the profitability baseline.

Rather, Lee describes a method for collecting, analyzing, and presenting data by extracting input data from an input database such that the input data is then transformed into a suitable schema for subsequent analysis, followed by subsequent analysis of the extracted and transformed data, and presentation of the analyzed, transformed, extracted data; and Thearling describes a method and apparatus for classifying a plurality of records in a database that includes forming a query that includes a reference to a first model, and using the reference to execute the

first model to generate a score for the first characteristic of at least one of the plurality of records in a database.

The Office Action provides at page 8 that the Examiner "takes Official Notice that "all of these types of marketing and risk models are variations that could be implemented in any marketing analysis system...Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include specific marketing and risk models in Lee et al." Applicants respectfully traverse the Official Notice taken by the Examiner. Although the Examiner suggests that the marketing and risk models recited in Claims 22 and 23 are merely variations of one another, the Examiner has failed to provide any support for such a position. Moreover, these marketing and risk models are described in detail on pages 3 and 4 of the originally filed patent application. In contrast to what has been suggested by the Office Action, the description of each of these models clearly shows that these models are not merely variations of one another, but rather are different models that predict different customer metrics. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Lee in view of Thearling.

When the recitations of Claims 22 and 23 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 22 and 23 likewise are patentable over Lee in view of Thearling.

Claims 25 and 26 depend from independent Claim 11. Claim 11 recites a system for analyzing success of a marketing campaign that includes a customer database having campaign results and an original campaign database, a graphical user interface for presentation of campaign analysis data, and a plurality of analytic models including marketing and risk models embedded within a targeting engine, wherein the system is configured to "determine a sequential order for combining the models...combine the models in the determined sequential order to define an initial customer group, the initial customer group includes a list of customers satisfying each of the combined models and rank ordered by projected profitability wherein projected profitability is based on a probable response by a customer to the marketing campaign, attrition of the customer, and risk associated with the customer, the list includes a high profit end, a

moderate profit section, and a low profit end, the high profit end including customers having a highest projected profitability, the low profit end including customers having a lowest projected profitability, the moderate profit section including a profitability baseline, wherein the determined sequential order maximizes a number of customers included between the high profit end and the profitability baseline, a target group includes the customers included between the high profit end of the list and the profitability baseline, the profitability baseline defines marginal returns for a customer equal to zero...derive a list of user defined dimensions including marketing defined dimensions and risk defined dimensions for generating a marketing campaign for the customers included in the target group...profile results of the marketing campaign against said marketing defined dimensions and said risk defined dimensions...and assign a score to the results of the marketing campaign based on said marketing defined dimensions and said risk defined dimensions."

Neither Lee nor Thearling, considered alone or in combination, describe or suggest a system for analyzing success of a marketing campaign that is configured to determine a sequential order for combining models, and combine the models in the determined sequential order to define an initial customer group that includes a list of customers satisfying each of the combined models and rank ordered by projected profitability wherein projected profitability is based on a probable response by a customer to the marketing campaign, attrition of the customer, and risk associated with the customer.

Furthermore, neither Lee nor Thearling, considered alone or in combination, describe or suggest an initial customer group list that has a high profit end, a moderate profit section, and a low profit end, wherein the high profit end includes customers having a highest projected profitability, the low profit end includes customers having a lowest projected profitability, and the moderate profit section includes a profitability baseline, wherein the determined sequential order maximizes a number of customers included between the high profit end and the profitability baseline, and wherein a target group includes the customers included between the high profit end of the list and the profitability baseline.

Rather, Lee describes a method for collecting, analyzing, and presenting data by extracting input data from an input database such that the input data is then transformed into a suitable schema for subsequent analysis, followed by subsequent analysis of the extracted and transformed data, and presentation of the analyzed, transformed, extracted data; and Thearling describes a method and apparatus for classifying a plurality of records in a database that includes forming a query that includes a reference to a first model, and using the reference to execute the first model to generate a score for the first characteristic of at least one of the plurality of records in a database.

The Office Action provides at page 8 that the Examiner "takes Official Notice that all of these types of marketing and risk models are variations that could be implemented in any marketing analysis system." Applicants respectfully traverse the Official Notice taken by the Examiner. Although the Examiner suggests that the marketing and risk models recited in Claims 25 and 26 are merely variations of one another, the Examiner has failed to provide any support for such a position. Moreover, these marketing and risk models are described in detail on pages 3 and 4 of the originally filed patent application. In contrast to what has been suggested by the Office Action, the description of each of these models clearly shows that these models are not merely variations of one another, but rather are different models that predict different customer metrics. Accordingly, Applicants respectfully submit that Claim 11 is patentable over Lee in view of Thearling. Accordingly, Applicants respectfully submit that dependent Claims 25 and 26 are patentable over Lee in view of Thearling.

When the recitations of Claims 25 and 26 are considered in combination with the recitations of Claim 11, Applicants submit that dependent Claims 25 and 26 likewise are patentable over Lee in view of Thearling and further in view of Lazarus.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claims 22, 23, 25, and 26 be withdrawn.

Notwithstanding the above, the rejection of Claims 1-9, 11, 13-21, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Lazarus and further in view of

Thearling; and the rejection of Claims 22, 23, 25, and 26 under 35 U.S.C. § 103(a) as being

unpatentable over Lee in view of Thearling are further traversed on the grounds that these

Section 103 rejections of the presently pending claims are not proper rejections.

Obviousness cannot be established by merely suggesting that it would have been obvious

to one of ordinary skill in the art to modify Lee using the teachings of Lazarus and Thearling.

More specifically, as is well established, obviousness cannot be established by combining the

teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or

incentive supporting the combination. None of Lee, Lazarus, or Thearling describe or suggest

the claimed combination. Furthermore, in contrast to the assertion within the Office Action,

Applicants respectfully submit that it would not be obvious to one skilled in the art to combine

Lee with Lazarus or Thearling because there is no motivation to combine the references

suggested in the art. Rather, the Examiner has not pointed to any prior art that teaches or

suggests to combine the disclosures, other than Applicants' own teaching.

As the Federal Circuit has recognized, obviousness is not established merely by

combining references having different individual elements of pending claims. Ex parte

Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there

must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such

references, and a reasonable expectation of success must be both found in the prior art, and not

based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the

present case, neither a suggestion or motivation to combine the prior art disclosures, nor any
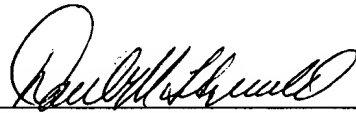
reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or

"template" to piece together the teachings of the cited art so that the claimed invention is

rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose

among isolated disclosures in the art to deprecate the claimed invention. Further, it is

impermissible to pick and choose from any one reference only so much of it as will support a

given position, to the exclusion of other parts necessary to the full appreciation of what such

reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is

based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Since there is no teaching nor suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants respectfully request that the Section 103 rejection be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claims 1-9, 11, 13-21, and 24, and the rejection of Claims 22, 23, 25, and 26 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

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